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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,145	07/26/2000	HIROMASA OHNO	106868	8067

25944 7590 02/27/2003

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[REDACTED] EXAMINER

CHRISTMAN, KATHLEEN M

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3713

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

<b>Application No.</b> 09/626,145  <b>Examiner</b> Kathleen M Christman	<b>Applicant(s)</b> OHNO, HIROMASA
	<b>Art Unit</b> 3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 12/24/2002.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

**Disposition of Claims**  
 closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

- 4) Claim(s) 1-17, 28-40, 43, 44 and 51-53 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-17, 28-40, 43, 44 and 51-53 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.  
 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

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### DETAILED ACTION

In response to amendment filed 12/24/2002, claims 22-27, 41, 42, 45, and 48 are cancelled, claims 1-17, 28-40, 43, 44, and 51-53 are pending.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-17, 28-40, 43, 44, and 51-53 rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (US 6064856) in view of Ho et al (US 6398556 B1). Regarding claims 1 and 28, Lee et al discloses a system and method which contains, a trainee (student) terminal which is used for the purpose of providing training material to the user, a manager (teacher) terminal which includes means for reading training material and training results that have been correlated. Regarding claims 10 and 37, the system functions over a network, which inherently contains a server, web or otherwise, and of which the Internet is inherently. The system includes tests set in the training course for checking the level of understanding of the trainee and the lecture information includes progress information and results of the test, see Figure 3, claim 2 and 29. The system is additionally capable of determining an "appropriateness" level in that the program is capable of tailoring lecture content to the user's needs, claims 3 and 30, see col. 5: 19+.

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The computer contains means for analyzing the abilities of the users retention of the knowledge through tests, claims 4 and 31, the quiz results are sent back to the user of the system and training is provided on those areas that the user did not comprehend, claims 5 and 32, see col. 7: 19-26.

Regarding claims 8 and 35, there are a plurality of educational courses offered, each of which is divided into chapters, which are further divided into sections, and additionally have a quiz following each section and refusing allowing the user to take the next section without reaching a predetermined level of understanding (claims 9 and 36), see figure 10-13. The presentations are created as and displayed as audio-visual, which is inherently the same as a "multimedia presentation", claims 11, 12, and 38, see col. 6: 14-19. Regarding claims 15 and 43, the teacher is able to explicitly state what the training content for the student will include, see col. 9: 29-35. Claim 20 corresponds in scope to claim 15 and is rejected for the same reasons.

Lee et al fails to explicitly teach a recognizer that "recognizes whether an access is received from the manager of the trainee or not, and provides the aggregate result to the terminal for the manager via the communication line based on the recognition result, as in claims 1 and 28, and similar language in the other independent claims.

Ho et al clearly teaches these limitations, see col. 4: 31-33, and Figure 7A. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the network of Lee et al with the network of Ho et al so as to create a system with broader coverage.

Claims 51-53 recite broader limitations of claims 1 and 28, and are rejected for the same reasons.

#### ***Response to Arguments***

4. The amendments filed 12/24/2002 have overcome the rejections based on 35 USC § 112, second paragraph. The arguments filed 12/24/2002, have overcome the rejection under 35 USC § 102, however they are deemed moot in view of the new grounds of rejection under 35 USC § 103.

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**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Peterson et al (US 6052512)
  - b. Papadopoulos (US 6099320)
  - c. Carlile et al (US 6164974)
  - d. Pellegrino et al (US 6149441)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (703) 308-6374. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Kathleen M. Christman  
February 13, 2003

Joe H. Cheng  
Primary Examiner